

**From:** Kendall, David <[DKendall@wc.com](mailto:DKendall@wc.com)>

**Date:** Thursday, Feb 15, 2024 at 10:58 AM

**To:** Jared Roberts <[jared@binnall.com](mailto:jared@binnall.com)>, [KMeeks@gibsondunn.com](mailto:KMeeks@gibsondunn.com) <[KMeeks@gibsondunn.com](mailto:KMeeks@gibsondunn.com)>, [wbreilly@debevoise.com](mailto:wbreilly@debevoise.com) <[wbreilly@debevoise.com](mailto:wbreilly@debevoise.com)>, [rmc@levyfirestone.com](mailto:rmc@levyfirestone.com) <[rmc@levyfirestone.com](mailto:rmc@levyfirestone.com)>, [Enjolique.Lett@gtlaw.com](mailto:Enjolique.Lett@gtlaw.com) <[Enjolique.Lett@gtlaw.com](mailto:Enjolique.Lett@gtlaw.com)>, [Stephen.Barry@lw.com](mailto:Stephen.Barry@lw.com) <[Stephen.Barry@lw.com](mailto:Stephen.Barry@lw.com)>, Jesse Binnall <[jesse@binnall.com](mailto:jesse@binnall.com)>, Shawnay <[shawnay@binnall.com](mailto:shawnay@binnall.com)>, [Rtrout@schertlerlaw.com](mailto:Rtrout@schertlerlaw.com) <[RTrout@schertlerlaw.com](mailto:RTrout@schertlerlaw.com)>, McNichols, John <[JMcNichols@wc.com](mailto:JMcNichols@wc.com)>, George Doumar <[gdoumar@doumarmartin.com](mailto:gdoumar@doumarmartin.com)>, [AOTterberg@jenner.com](mailto:AOTterberg@jenner.com) <[AOTterberg@jenner.com](mailto:AOTterberg@jenner.com)>, [mfeldman@kaplanhecker.com](mailto:mfeldman@kaplanhecker.com) <[mfeldman@kaplanhecker.com](mailto:mfeldman@kaplanhecker.com)>, [bstekloff@wilkinsonstekloff.com](mailto:bstekloff@wilkinsonstekloff.com) <[bstekloff@wilkinsonstekloff.com](mailto:bstekloff@wilkinsonstekloff.com)>, [fmonsour@orrick.com](mailto:fmonsour@orrick.com) <[fmonsour@orrick.com](mailto:fmonsour@orrick.com)>, [Benjamin.Peacock@cliffordchance.com](mailto:Benjamin.Peacock@cliffordchance.com) <[Benjamin.Peacock@cliffordchance.com](mailto:Benjamin.Peacock@cliffordchance.com)>, [Steven.tyrrell@weil.com](mailto:Steven.tyrrell@weil.com) <[Steven.Tyrrell@weil.com](mailto:Steven.Tyrrell@weil.com)>

**Subject:** RE: Trump/Clinton Request

Dear Mr. Roberts:

We respectfully oppose your request for a further extension.

On December 28, 2023, you requested a 30-day extension for the filing of appellants' briefs in this case. You stated that "[w]e have new counsel who will be joining us on this case, Richard Klugh. Unfortunately, he has a medical procedure scheduled for next week during the due date of our opening brief." We consented to this request.

On January 26, 2024, you requested a further 15-day extension "due to proceedings currently occurring in New York." You also stated that "our co-counsel Mr. Klugh has had two surgical procedures this month, since the 29-day extension was granted, and has been required to file 11th Circuit briefs in a criminal appeal on January 12 and a tax appeal on January 22." I expressed concern about the significant delays in hearing the appeal, writing on January 29: "This case is already significantly delayed—you filed your first notice of appeal in late 2022, and you filed your appellants' brief in the Court of Appeals on June 9, 2023. While you moved to have the issue of judicial notice of the Durham Report considered by the District Court, that Court rendered its decision on September 15, 2023." We nevertheless consented to your request.

You now request a third extension, this time for 14 days because "our co-counsel Mr. Klugh continues to deal with medical unfortunes [*sic*]. He is meeting with his surgeon on Friday, and will need additional medical procedures due to complications." We have extended to you the professional courtesy of consenting to two extension requests, but we are unable to consent to the present request, for the following reasons: (1) you have already filed on June 9, 2023, a substantial brief covering the appellate issues in the case; (2) while you petitioned the Court for judicial notice of the Durham Report, and the Court remanded that request to the district court, you fully briefed your claim there, and the district court rendered its decision rejecting your claim on September 15, 2023—you've thus had five months to research and brief this narrow issue for appeal; (3) we wish the best for Mr. Klugh's health and do not want to be insensitive to his issues, but feel that its uncertainty cannot be a basis for further delay since it appears from your own report that he has been legally active during the interim and since you and Mr. Binnall ably prepared and submitted the brief last June; and (4) we owe our client a counterbalancing duty of moving this case to resolution as soon as possible, particularly in view of past delays.

Sincerely,

David Kendall

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**Subject:** Trump/Clinton Request

Counsel,

Unfortunately our co-counsel Mr. Klugh continues to deal with medical unfortunes. He is meeting with his surgeon on Friday, and will need additional medical procedures due to complications. Would you be so kind as to consent to an additional extension of 14 days?

All the best,  
Jared Roberts

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